REMARKS

Upon entry of this amendment, claim 9 is amended and claim 28 is added, leaving claims 9-28 pending with claims 9 and 28 independent. Applicant notes that Claim 9 has been amended to overcome the §§101 and 112 rejections and not the prior art.

The Examiner has rejected claims 9-27 under 35 USC §101, because the invention is directed to non-statutory subject matter. The Examiner suggests that these claims do not produce a useful, concrete and tangible result. Applicant respectfully disagrees; however, claim 9 has been amended to overcome this rejection. Applicant submits that optimizing the traffic distribution is a useful, concrete and tangible result.

The Examiner has rejected claims 9-27 under 35 USC §112, second paragraph as being indefinite.

Claim 9 has been amended to overcome this rejection.

Claims 1-25 stand rejected under 35 USC §102(b) as being anticipated by Denecheau. Applicant respectfully traverses this rejection.

Claim 1 recites, among other things, a method for adapting link weights in a communication network formed with links, including determining the values of a parameter for the links using the calculated paths and the expected traffic volume, determining such link for which the parameter has the highest value, increasing the link weight for the determined link repeating each of these steps until the value of the parameter for the determined link is higher than the parameter value for the determined link in a preceding step.

Denecheau fails to disclose or render obvious each of these steps.

The Examiner suggests that Denecheau discloses determining the values of a parameter for the links using the calculated paths and the expected traffic volume by stating Denecheau discloses dynamically computing all possible paths. Applicant submits that computing a path is not determining a value of a parameter, but merely computing a path along which the data may travel. Denecheau fails to mention that a parameter along this path is computed.

The Examiner suggests that Denecheau discloses determining such link for which the parameter has the highest value by stating that the OSPF systems looks for the "best" path. However, there is no disclosure that the determination of the best path is based upon the parameter with the highest value. That is, the best path in Denecheau must be determined based the dynamic computation of all paths, using the steps in Denecheau outlined by the Examiner. This is clearly not the case, since Denecheau specifically states this implementation is not efficient given the table size and processing cycles required. Col 7, lines 56-58.

The Examiner suggests that Denecheau discloses increasing the link weight for the determined link by selecting the route with the lowest cost. Applicant fails to understand how this is increasing the link weight for the determined link. Denecheau merely discloses selecting the lowest cost link. Denecheau makes no reference that such link weight is increasing. At best this portion of Denecheau is merely reiterating the step of looking for the "best" path.

The Examiner suggests that Denecheau discloses repeating each of these steps until the value of the parameter for the determined link is higher than the parameter value for the determined link relative to a preceding step by repeating steps to minimize the network costs. However, Applicant submits that Denecheau does not disclose or render obvious repeating steps until a value of the parameter is higher than at a predetermined step. That is, the parameters in the repeating portion of the method are compared, and if the parameter for the determined link is higher than the previous determined parameter, the steps are not repeated.

Therefore, Applicant submits that claims 10-27 are allowable over the cited prior art.

Claims 26 and 27 stand rejected under 35 USC §103(a) as being unpatentable over the Denecheau patent in view of Oki et al.

Oki et al. does not overcome the deficiencies of Denecheau and therefore these claims are allowable, as discussed above.

New claim 28 is allowable for substantially similar reasons to those discussed above.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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